

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C.**

Petition of the Missouri Public)	
Service Commission's for Additional)	
Delegated Authority to Implement)	
Number Conservation Measures.)	
)	
In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Implementation of the Local)	
Competition Provisions of the)	CC Docket No. 96-98
Telecommunications Act of 1996.)	

**MISSOURI PUBLIC SERVICE COMMISSION'S REQUEST FOR AN ADDITIONAL
DELEGATION OF AUTHORITY TO IMPLEMENT NUMBER CONSERVATION MEASURES**

The Missouri Public Service Commission ("MoPSC") hereby requests an additional delegation of authority from the Federal Communications Commission ("FCC" or "Commission") to implement number conservation measures in the State of Missouri. Specifically, the MoPSC requests the authority to implement mandatory thousands-block number pooling in the 417, 573, 636 and 660 numbering plan areas ("NPA"). The increasing demand for numbering resources in the State of Missouri has diminished available numbering resources and created a need for number conservation measures without delay.

Section 251(e) of the Telecommunications Act of 1996 grants the FCC exclusive jurisdiction over numbering issues and allows the Commission to delegate to state commissions all or any portion of such jurisdiction. In the *Numbering*

Resource Optimization First Report and Order (“First Report”), the Commission concluded that thousands-block number pooling is an important numbering resource optimization strategy, essential to extending the life of the North American Numbering Plan (NANP).¹ The Commission also determined that it would grant thousands-block number pooling authority to state commissions on an individual basis and required state commissions seeking thousands-block number pooling authority to demonstrate that: 1) an NPA in its state is in jeopardy; 2) the NPA in jeopardy has a remaining life span of at least one year; and 3) the NPA is in one of the largest 100 Metropolitan Statistical Areas (MSAs), or alternatively, the majority of wireline carriers in the NPA are LNP-capable. The Commission recognized that there may be special circumstances in which pooling would be beneficial in NPAs that do not meet all of the above criteria, and that the Commission may authorize pooling in such NPAs upon a satisfactory showing by the state commission of such special circumstances. As further discussed below, special circumstances exist in Missouri to warrant a grant of additional authority to the MoPSC to implement number pooling in the 417, 573, 636 and 660 NPAs.

1. Number Exhaust Background in Missouri

There are currently six NPAs in the State of Missouri: 314, 417, 573, 636, 660 and 816. The 314 NPA includes the City of St. Louis, which is in a top 100 MSA. In 1996, the MoPSC implemented a geographic split of the 314 NPA by adding the 573 NPA, releasing almost 250 NXX codes for the St. Louis area. In 1998, the MoPSC

¹ *Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 99-200, 15 FCC Rcd 7574, March 31, 2000.

initiated a formal investigation of number conservation options available in the St. Louis metropolitan area and surrounding areas. Based on that investigation, the MoPSC ordered rate center consolidation in the 314 NPA, which was implemented in January 2000. As more competitors entered the telecommunications market and as the growth of second lines, cellular service, paging, residential and business service continued in the 314 NPA, it was necessary for the MoPSC to initiate a second geographic split of the 314 NPA. The new split took affect in February 2000 and added the 636 NPA. The 816 NPA includes Kansas City, which is also in a top 100 MSA. In 1999 the MoPSC implemented a geographic split in the Kansas City area and introduced the 660 NPA. Due to the continued exhaust of number resources in the 314 and 816 NPAs, the MoPSC petitioned the Commission for delegated authority to implement additional number conservation measures. On July 20, 2000, the Commission delegated to the MoPSC the authority to implement thousands-block number pooling in the 314 NPA.² On March 14, 2001, the Commission delegated to the MoPSC the authority to implement thousand-block number pooling in the 816 NPA.³ In October 2000, the MoPSC issued an order adopting all services distributed overlays as the method of relief for the 314 and 816 NPAs. With the delegated authority, the MoPSC was able to postpone the overlays indefinitely.

² *In the Matter of the Missouri Public Service Commission Petition for Additional Delegated Authority to Implement Number conservation Measures in the 314, 417, 573, 636, 660 and 816 Area Codes*, NSD File No. L-99-90, *Order*, DA 00-1616, July 20, 2000.

³ *In the Matter of the Missouri Public Service Commission's Petition for Delegation of Authority to Implement Number Pooling in the 816 Area Code*, NSD File No. L-01-275, DA 01-656, March 14, 2001.

2. Increased Demand Warrants Additional Number Pooling Authority

The 417 NPA encompasses the southwest region and the 573 NPA encompasses the eastern region of the State of Missouri, with the exception of the St. Louis MSA. Neither the 417 nor the 573 NPA includes a top 100 MSA. According to the North American Numbering Plan Administrator (“NANPA”), the 417 NPA is not in jeopardy but is expected to exhaust in the third quarter of 2008.⁴ This indicates an increase in demand for numbering resources in the 417 NPA. In 2003 NANPA forecasted the 417 NPA would exhaust in the 1st Quarter 2009. The 573 NPA is also not in jeopardy but is expected to exhaust in the second quarter of 2008.⁵ This also indicates an increase in demand for numbering resources in the 573 NPA. In 2002 NANPA forecasted the 573 NPA would exhaust in the 3rd Quarter 2010. A recent increase in requests for blocks of 10,000 numbers in both the 417 and the 573 NPAs has significantly reduced the available supply of numbering resources. The 2008 exhaust dates for the 417 and 573 NPAs are likely to move up as wireless providers and providers of emerging technologies, such as voice over internet protocol (VoIP), continue to increase their need for numbers. Accordingly, Missouri will likely need to begin relief efforts for the 417 and 573 NPAs as early as the second quarter of 2005 if the MoPSC is not delegated the authority to implement mandatory thousands-block pooling for LNP capable carriers in these NPAs. For this reason, the MoPSC believes these special circumstances warrant delegating to the MoPSC the authority to implement

⁴ 2004 NRUF and NPA Exhaust Analysis, October 31, 2004.

⁵ *Id.*

mandatory thousands-block pooling for LNP-capable carriers in the 417 and 573 NPAs. The MoPSC cannot manage the timing of requests or the number of requests received, however, with the delegated authority requested in this petition the MoPSC can manage the existing number resources to ensure 417 and the 573 NPAs are not prematurely exhausted.

The 636 and 660 NPAs were added to address exhaust in the 314 and 816 NPAs respectively. Both the 636 NPA and the 660 NPA have rate centers that are both within a top 100 MSA and outside of a top 100 MSA. The latest NANPA exhaust data shows that the exhaust date forecasted for the 660 NPA changed significantly in 2004 alone, increasing from a forecasted exhaust date of 1st Quarter 2024 to a revised forecasted exhaust date of 3rd Quarter 2016. NANPA's exhaust forecast for the 636 NPA does not indicate an increase in demand. However, because of their proximity to the St. Louis and Kansas City MSAs, both the 636 and 660 NPAs are prime expansion areas within the state and prime areas for accelerated exhaust. For instance, the MoPSC has recently had multiple requests to override decisions of the NANPA for additional numbering resources in the 636 NPA.⁶ The MoPSC has been able to accommodate these requests by requiring the carriers to return unused thousands blocks once the needed numbers are obtained from the 10,000 blocks. Additional delegated authority will allow carriers to receive

⁶ These override requests are due in part to the need for carriers in Missouri's metropolitan areas to obtain two blocks of numbers to participate in Missouri's Metropolitan Calling Area ("MCA") Plan, which is an expanded calling plan allowing customers to dial toll-free within the metropolitan areas of St. Louis, Kansas City, and Springfield, Missouri. Each carrier participating in the MCA must obtain one block of numbers for MCA customers and a separate block of numbers for non-MCA customers. The separate NXX codes allow carriers to recognize a call as MCA or non-MCA.

only the needed 1,000 blocks without the additional steps requiring the MoPSC to monitor the return of unused and unneeded numbers. Similarly, in the 660 NPA, Numbering Resource Utilization/Forecast (“NRUF”) data indicates one carrier recently requested 16 blocks of 10,000 numbers from NANPA. Trends such as these will rapidly diminish the numbering resources in these areas. Additional delegated authority in these areas will allow the MoPSC to continue its number conservation efforts in much the same manner as has been achieved in the 314 and 816 NPAs.

The table shown below indicates how number pooling authority delegated to the MoPSC for the 314 and 816 NPAs, combined with other number conservation measures, significantly extended the lives of these two NPAs.⁷ The life of the 314 NPA was extended from the 2nd Quarter 2001 to the 1st Quarter 2012 and the life of the 816 NPA was extended from the 1st Quarter 2002 to the 3rd Quarter 2012. Delegating additional 1,000 block number pooling authority to the MoPSC may produce similar results to significantly extend the lives of the 417, 573, 636 and 660 NPAs.

NPA	2004 Forecast Exhaust		2002 Forecast Exhaust		2000 Forecast Exhaust	
314	2012	1Q	2008	1Q	2001	2Q
417	2008	3Q	2009	1Q	2005	1Q
573	2008	2Q	2010	1Q	2005	4Q
636	2023	2Q	2017	4Q	2006	1Q

⁷ Data for the table was compiled from NANPA’s NPA Exhaust Projection, January 15, 2001 and the 2004 NRUF and NPA Exhaust Analysis, October 31, 2004.

660	2016	3Q	2022	3Q	2020	1Q
816	2012	3Q	2008	1Q	2002	1Q

3. Conclusion

The Commission concluded in the *Second Report and Order* that the “state commissions are uniquely positioned to evaluate the best relief plan on a case-by-case basis and, therefore, the determinations of appropriate relief should be left to state commissions.”⁸ The MoPSC concurs with the Commission’s conclusion and asks that the FCC delegate to the MoPSC the authority to implement mandatory thousands-block pooling in the 417, 573, 636 and 660 NPAs. With this authority the MoPSC will have another tool to slow the exhaust of number resources in the State of Missouri. Number exhaustion continues in Missouri at a rapid pace and additional authority is necessary for the MoPSC as it strives to take the appropriate measures necessary to assure that the requirements of 47 C.F.R. § 52.9(a) are met.⁹ For the above reasons, the MoPSC requests the authority to implement mandatory thousands-block number pooling in the 417, 573, 636 and 660 and further requests FCC action on this request as soon as possible due to the approaching need to implement relief measures in the 2nd Quarter 2005 for the 417 and 573 NPAs.

Dated this 23rd day of March 2005.

⁸ *Numbering Resource Optimization, Second Report and Order*, CC Docket No. 99-200, FCC 00-429, December 29, 2000, at paragraph 68.

⁹ 47 C.F.R. § 52.9(a) requires the administration of numbers to: “(1) Facilitate entry into the telecommunications marketplace by making telecommunications numbering resources available on an efficient, timely basis to telecommunications carriers; (2) Not unduly favor or disfavor any

Respectfully submitted,

DANA K. JOYCE
General Counsel

Marc D. Poston
Senior Counsel
Missouri Bar No. 45722

Attorney for the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8701 (Telephone)
(573) 751-9285 (Fax)
marc.poston@psc.mo.gov

particular telecommunications industry segment or group of telecommunications consumers; and (3) Not unduly favor one telecommunications technology over another.”